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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,259

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Karen A. Sheppard

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EXAMINER

AHMED, SHEEBA

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/809,259

**Applicant(s)**

SHEPPARD ET AL.

**Examiner**

Sheeba Ahmed

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-18 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 15-17, 20-24, and 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Amendment to Claims*

1. Amendments to claim 14 have been entered in the above-identified application.

**Claims 14-18 and 20-32 are pending.**

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15-17, 20-24, and 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakaguchi et al. (US 6,495,243 B1).

Sakaguchi et al. disclose a composite film comprising a base resin film having a first covering layer of a resin composition comprising a heat-sealable olefin polymer, a diorganopolysiloxane, a fine-powdered heat resistant resin and a higher fatty acid amide on one side of the base resin film and a second covering layer of a heat sealable olefin polymer, a fine-powdered heat-resistant resin and a higher fatty acid amide on the other side of the base resin film (Abstract). The base resin layer is made of a polyolefin or polyester resin and may be a single layer or a laminate film composed of two or more resin layers. The thickness of the base resin layer is 1 to 250 microns (Column 3, lines

33-35 and 58-62). The base resin may contain a variety of additives such as antioxidants, UV absorbers, fillers and other additives listed in Column 4. The olefin resin in the first covering layer may be a homo-polymer of ethylene, propylene and other such olefins. The diorganopolysiloxane as a viscosity between 1,000 and 2,000,000 centistokes and is added in an amount between 0.5 to 3 parts by weight (Column 6, lines 1-8). The fine-powdered heat resistant resin functions as an antiblocking agent, has a spherical morphology and a particle size of 1 to 6 microns. Specific examples of materials that may be used as the fine-powdered heat resistant resin functions are given in Column 6, lines 42-64. The first and second covering layer may include other additives and each covering layer has a thickness of not greater than 1 microns (Column, lines 37-45). All limitations of claims 14-18 and 20-32 are disclosed in the above reference.

#### ***Allowable Subject Matter***

3. Claims 14, 25, and 26 are allowed. Independent claim 14 has now been rewritten to incorporate all the limitations of now-rejected claim 19. The subject matter of claim 19 was previously indicated allowable.

#### ***Response to Arguments***

4. Applicants point out that the in numbered paragraph 3 of the last Office Action action, the Examiner has stated that claims 14-19 and 20-32 were anticipated by Sakaguchi (U.S. Patent 6,495,243); however, numbered paragraph 5 and the Office

Action Summary state that claim 19 is objected to as being dependent based claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner agrees with the Applicants and regrets the typographical error in paragraph 3 of the last Office Action.

Applicants further submit that Sakaguchi does not teach or suggest a coextruded heat-sealable film structure, comprising, a heat-sealable layer on the second side of the core layer comprising (i) a thermoplastic polymer and (ii) a slip system comprising a silicone gum *having a viscosity in the range of 10 to 20 million centistokes* present in amount from about 0.2 wt. % to about 2.0 wt. % of the heat-sealable layer and at least one antiblocking agent present in an amount from about 0.05 wt. % to about 0.5 wt. % of the heat-sealable layer, as now claimed. However, the limitation that the silicone has a *viscosity in the range of 10 to 20 million centistokes* has only been added to independent claim 14 and not the other independent claims and hence the above rejection is maintained for claims 15-17, 20-24, and 27-32.

### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

  
Sheeba Ahmed  
December 9, 2007